

IPW  
3738

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  
Date: August 9, 2004

Alice Sutanandi  
Alice Sutanandi

PATENT  
876635-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: DEBEER et al.

Serial No.: 10/052,758

Filed: January 18, 2002

Title: METHOD AND APPARATUS FOR  
CLOSING SEPTAL DEFECTS

Art Unit: 3738

Examiner: Thomas C. Barrett

REQUEST FOR PERMISSION TO WITHDRAW AS  
ATTORNEY OF RECORD (37 C.F.R. § 10.40(c))

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned attorney, on behalf of himself and the other attorneys of record, who are members or associates in the firm of O'MELVENY & MYERS LLP, or who were so listed at the time of their appointment, and on behalf of any attorneys appointed by any of the attorneys on whose behalf this petition is filed, requests the approval of the Commissioner to withdraw as attorneys of record.

The attorneys on whose behalf this request to withdraw is filed include:

BERLINER, Brian M., Registration No. 34,549  
FITZSIMMONS, Todd E., Registration No. 44,683  
JAECH, Jonathan A., Registration No. 41,091  
YAGURA, Ryan K., Registration No. 47,191

The present mailing address of the attorneys of record is:

O'MELVENY & MYERS LLP  
400 South Hope Street  
Los Angeles, CA 90071-2899

The present mailing address of the Applicants are:

Mr. Nicholas deBeer  
1427 Lincoln Avenue  
Burlingame, CA 94010

Mr. Martin Dieck  
21105 Hazelbrook Drive  
Cupertino, CA 95014

Items pertinent to the request for withdrawal are set forth below.

1. Basis For Withdrawal Request. The basis for the request for withdrawal is 37 C.F.R. 10.40(c)(5), the practitioner's client knowingly and freely assents to termination of the employment.
2. Notification Of Client: In accordance with 37 C.F.R. § 10.40(a), copies of this request are being sent to the Applicants.

At least thirty (30) days remain for the Applicants to take any action due in this case or an appropriate request for extension of time accompanies this request seeking additional time. The attorneys on whose behalf this petition is filed will ensure that the Applicants has sufficient time after approval of this request to reply or employ another to reply to any outstanding requirement of the U.S. Patent and Trademark Office.

3. Number Of Copies Of Request. This request is enclosed in triplicate.

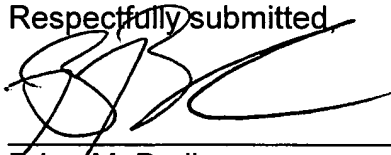
Serial No. 10/052,758  
August 9, 2004  
Page 3

Further communications regarding this application should be directed to the Applicants at the following address:

Mr. Nicolas deBeer  
Mr. Martin Dieck  
c/o TSUNAMI INNOVATIONS LLC  
P.O. Box 371373  
Montara, CA 94037-1373

Signature of the authorized attorney on behalf of himself and the other attorneys of record of the withdrawing firm, O'Melveny & Myers LLP.

Respectfully submitted,



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Brian M. Berliner  
Authorized Attorneys  
Registration No. 34,549

Date: August 9, 2004

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cc: Nicholas deBeer (w/encl.)